

### **Remark**

Applicants respectfully request reconsideration of this application as amended.

Claims 1, 6, 11, 13 and 15 have been amended. No claims have been cancelled. Therefore, claims 1-27 are present for examination.

### **Examiner's Response to Arguments**

In the response, the Examiner has stated that Youman does not explicitly teach "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected" however, it would have been obvious to implement such a search. The grounds for this assertion of obviousness are unclear to Applicants. The Examiner appears to recite specific implementations, not shown in the references, as a reason why the general case recited in the claims is obvious. A similar statement is made regarding Cohen.

First, Applicants respectfully submit that the innovation of "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected" is not obvious. A review of the references of record shows overwhelmingly that electronic programming guides (EPGs) are based on time schedules. In other words, EPGs are directed to someone who just sat down to watch TV and wants to know, "what's on?" This is natural given the emphasis in the broadcasting industry on broadcast times. Television networks, for example, constantly adjust broadcast times of shows in order to affect the ratings. Poor performing shows that are favored are placed immediately after shows with high ratings in an effort to get viewers of the highly rated show to stay tuned long enough to watch the poor performer. Disfavored shows are sent to Friday or Saturday night where ratings are always lower. This makes room for other shows on the more favored evenings etc. The EPG of

Youman is consistent with this approach. As is conventional, it displays a list of what's on sorted by broadcast time and channel. It starts with the present time but navigation buttons allow the viewer to scroll into the future. The only way to find a particular show is to select a category (Fig. 19) or a channel (Fig. 20). This reduces the number of total listings that must be scanned to find a particular show. This approach only works if the viewer knows which channel or category to select. Note that in the example in the present application of Fig. 8, one of the Harrison Ford movies is in a different category from the others. Many movies, for example, combine aspects of drama, comedy and action, reducing the reliability of "category" as a search tool.

The present invention uses a completely different approach. While shows can be found based on the schedule, when a search is done, as recited in the claims, it is not done based on schedule, it is done based on that "first set of entertainment system data" to which the selected identifier corresponds. So, in the example of Fig. 8, the viewer does not get a list of all the dramas that appear on Thursday. The viewer gets a list of every movie that lists Harrison Ford as being in the cast, no matter when it is shown. The viewer, instead of seeing what's on in that moment, sees when the show that he want is on. He can adjust his schedule to be available to watch the show when it is broadcast or he can set his VCR. The present invention helps the viewer solve the problem that even with 200 channels, there's nothing good on. If he plans ahead, there will be something good on, taped or lived, when he is ready to watch. The present invention allows the viewer to scroll through TV listings, not based on when a service provider has decided to broadcast, but based on that "first set of entertainment system data." The element of "performing a search for a second selection when a selectable

identifier corresponding to a first selection is selected" fundamentally changes how the EPG can be used and how TV listing are found.

Second, the Examiner has failed to show any suggestion or teaching in the references taken separately or together to support the assertion of obviousness. The only specific citation is to the first five columns of Youman. Applicants have thoroughly studied the first five columns and fail to see any suggestion of "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected." If this is maintained as the grounds for rejection, Applicants respectfully request that the portions of these five columns relied upon be specifically pointed out.

Third, the Examiner has failed to provide any motivation to support the assertion of obviousness. For a showing of obviousness, there must be some motivation to modify the prior art to provide the claimed invention. This motivation must come from the prior art not from the present application or present claims. Accordingly, for the present application, there must be some motivation in the Youman or Cohen references, for "performing a search for a second selection when a selectable identifier corresponding to a first selection is selected." The motivation suggested by the Examiner appears to be "because a user can choose which movies, the actor/actress, and the time to have the second selection by the same actor/actress displayed." This statement simply describes the preferred embodiment of Figs. 7 and 8. No motivation from Youman or Cohen to provide such an embodiment has been cited and Applicants do not see any.

Alternatively, the Examiner may be suggesting the motivation that "[a] user can display program schedule information for any chosen one of a plurality of television programs in an overlaying relationship with at least one television program appearing on any

one of the chosen plurality of channels on the television." However, displaying a program guide as a banner or strip overlaying another television program does not in any way suggest or motivate performing a search based on the guide or the displayed television program.

With respect to Claims 20 and 24, the Examiner has asserted that it would have been obvious to have the search of records to be data received from different sources. The basis provided for this assertion is that, in an entertainment system, a search is performed on the program schedule in the database and the information is supplied to the video generator to convert the digital data into an RGB format and supply it to the video overlay device. The statement is not relevant to the claims. On the contrary, in the prior art, all electronic programming guide information is supplied from a single source which may or may not be the same source as the broadcaster. Typically, it is the cable company, satellite service provider or a radio signal on-line guide. However, it may also be an internet, floppy etc. As shown, by the art of record, however, it is not typical to use more than one source for program guide information.

### **Interpretation of Claims**

The Examiner has restated the axiom that "claims must be given their broadest reasonable interpretation." There are two corollary axioms. First, the claims must be read as a whole and second, all of the limitations must be considered in interpreting the claims.

The Examiner suggests that the claims language regarding presenting a selectable identifier corresponding to data in the record corresponding to a selected entertainment selection should be interpreted broadly to read on Col. 13, lines 34-57. This section of

Youman describes using up and down arrow keys to scroll through a channel listing. This section does not satisfy the language of the claims. The only things selectable in that description are the up and down arrows. The up and down arrows do not come from data in a record and they do not correspond to an entertainment selection. They come from data in a graphics display generator and they have no relationship to any entertainment selection. Accordingly, it is not reasonable to read the claim language onto that section of Youman.

The Examiner suggests that the claim language regarding performing a search for a second entertainment selection when the selectable identifier is selected should be interpreted broadly to read on Youman Col. 17, lines 5-27. That section discusses selectable category icons. In Youman, upon selecting one of the category icons, a search is done for entertainment selections in that category and the search results are displayed. This section does not satisfy the language of the claims. Youman does not teach a search for a second entertainment selection using the category icons. This search is the first search for an entertainment selection. The viewer begins either at the Fig. 6 screen and selects the folder icon 65B or at the Fig. 38C screen and selects a category icon 321. The selection starts the search. Neither of these screens show any entertainment selections. From these screens, the user is given the Fig. 19 screen which lists only movies. Youman does not teach any way to find another similar movie from the Fig. 19 screen. In addition, the claim recites that the search is for an entertainment selection having a second set of entertainment system data related to the first set of entertainment system data. In Youman, there is no first set of entertainment system data as no information regarding the shows is presented before the category listing mode is entered. The other listing modes in Youman operate similarly.

The Examiner also states that "the user can chose which movies by a certain actor/actress and the time of viewing." Applicants are unable to find any support in Youman for this assertion and the Examiner has provided none but Col. 12, lines 11-23. This section is too vague to meet the limits of the claim and fails to suggest a second search for a second selection having data related to the first selection. The only searches discussed in Youman are the category searches discussed above, manual scrolling by the user and in Figs. 38D, E and F, title searches by letter, described at Col. 31, lines 5 et seq. Again, in this section, there is no second search for a second selection having data related to the first selection.

This interpretation of claims section concludes with a statement that while neither reference teaches or suggests a second search for a second selection having data related to the first selection, this would have been obvious. Applicants respectfully disagree. The field of the invention is a crowded one with myriad patents. The Examiner has failed to cite any patent that remotely suggests a second search and Applicants are not aware of any. The overwhelming trend in this industry, as discussed above, is to present the programs by channel and show time. These chronological lists can be restricted by various categories. Youman and Cohen directly support this approach.

The present invention provides user convenience far beyond and very different from anything in the references. In the present invention, the user does not need to know a category, a title, a show time, a rating or anything else. Once the user finds a desirable program, a set of selectable identifiers about the program is presented. The user simply clicks on the selectable identifier that makes that program desirable and is then presented with a list of programs that share that attribute. As described in the application, page 11, the list of programs can have the same title, actors, rating, source, time or more. This offers a

level of immediacy and simplicity unprecedented in the references. Accordingly, Claim 1 is believed to be allowable over the cited references.

Independent claims 6, 11 and 15 contain limitations similar to those of Claim 1 discussed above and are believed to be allowable for the reasons discussed above. The remaining claims depend from one of the independent claims and are believed to be allowable therefor as well as for the limitations expressly set forth therein.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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